

ORDINANCE NO. 09- 015

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV OF THE PALM BEACH COUNTY CODE; AMENDING CERTAIN PROVISIONS FOR CONSISTENCY WITH CHANGES TO THE FLORIDA ADMINISTRATIVE CODE AND DEPARTMENT NAME CHANGES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes counties to adopt ordinances consistent with general and special law to provide for the health, safety and welfare of its citizens; and

WHEREAS, the Board of County Commissioners previously enacted the "Palm Beach County Wastewater Facilities Use Ordinance" which is codified at Chapter 27, Article IV of the Palm Beach County Code; and

WHEREAS, the Board of County Commissioners desires to amend certain provisions for consistency with the Florida Administrative Code and a name change to the Florida Department of Health and Rehabilitative Services.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Chapter 27, Article IV, Section 27-70(e)(3), "Baseline monitoring report", is amended as follows:

(3) *Baseline monitoring report (BMR)*. Significant industrial users subject to categorical pretreatment standards must also comply with the requirements for submittal of a BMR in accordance with Rule 62-625.600(1), F.A.C. In addition, within ninety (90) days of final compliance with applicable pretreatment standards or, in the case of a new source, within ninety (90) days of discharging wastewater into the PBCWUDWWS, any significant industrial user, subject to the categorical pretreatment standards shall submit to the director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with Rule 62-625.600(3), F.A.C.

Section 2. Chapter 27, Article IV, Section 27-69(1)(h) is amended as follows:

h. Any radioactive wastes or isotopes of such half-life or concentration exceeding limits established by the Florida Department of Health—~~and Rehabilitative Services~~ as set forth in the Florida Administrative Code which may cause damage or create hazardous conditions to human life, animal life, or equipment or operating personnel of the County Water Utilities Department;

Section 3. Chapter 27, Article IV, Section 27-69(1)(i) is amended as follows:

1 i. Any liquids, solids or gases which by reason of their nature or quantity
2 are, or may be, sufficient either alone or in combination with other substances, to
3 cause fire or explosion or be injurious in any other way to the PBCWUDWWS or
4 the operation of the PBCWUDWWS. These pollutants shall include, but not be
5 limited to, wastestreams with a closed cup flashpoint of less than one hundred
6 forty (140) degrees Fahrenheit (sixty (60) degrees Celsius), using the test methods
7 specified in American Standard Testing Material standards D-93-79, D-3278-78.
8 This prohibition does not apply to any aqueous solution containing less than
9 twenty-four (24) percent alcohol by volume which would otherwise be a hazardous
10 waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less
11 than one hundred forty (140) degrees Fahrenheit (60 degrees Celsius). Said
12 prohibited materials shall include but not be limited to, gasoline, kerosene,
13 naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides,
14 chlorate, perchlorates, bromates, carbonates, hydrides, and sulfides, fuel oil, or
15 any flammable gas, liquid or solid, or any other substance which Palm Beach
16 County, the State of Florida, or any federal agency has determined is a fire hazard
17 or a hazard to the wastewater collection and treatment system. Any and all trucked
18 or hauled pollutants are prohibited except at discharge points designated by the
19 director and in accordance with all applicable laws. ~~the provisions set forth in the~~
20 ~~State of Florida Department of Health and Rehabilitative Services Chapter 10D-6,~~
21 ~~Florida Administrative Code;~~

22
23 **Section 4.** Chapter 27, Article IV, Section 27-69(1)(p) is amended as
24 follows:

25 p. Any medical wastes as defined in section 27-65 of this article, ~~or~~
26 ~~addressed in the State of Florida Department of Health and Rehabilitative~~
27 ~~Services, Chapter 10D-104, Florida Administrative Code (F.A.C.), section 10D~~
28 ~~104.001-Bio-Hazardous Wastes;~~

29
30 **Section 5. Repeal of Laws and Ordinances in Conflict**

31 All local laws and ordinances in conflict with any provision of this Ordinance
32 are hereby repealed to the extent of any such conflict.

33 **Section 6. Severability**

34 If any provision, article, paragraph, sentence, clause, phrase, or work of this
35 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or
36 void, such holding shall not affect the remainder of this Ordinance.

37 **Section 7. Inclusion in the Code of Laws and Ordinances**

38 The provisions of this Ordinance shall become and be made a part of the
39 Code of Laws and Ordinances of Palm Beach County, Florida. The articles and
40 sections of this Ordinance may be renumbered or relettered to accomplish such, and
41 the word "Ordinance" may be changed to "Section", "Article", or other appropriate
42 word.

43 **Section 8. Effective date**

44 The provisions of this Ordinance shall become effective upon filing with the
45 Department of State.

1 APPROVED and ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on this the 16th day of
3 June, 2009.

4
5
6 SHARON R. BOCK
7 CLERK AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
8 ITS BOARD OF COUNTY
9 COMMISSIONERS

10
11
12 By: Judith Crocker
13 Deputy Clerk

14 John F. Koons
15 John F. Koons, Chairman

16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY

18
19
20 By: [Signature]

21 County Attorney

22
23
24
25 EFFECTIVE DATE: Filed with the Department of State on the 22nd day of
26 _____, 2009.
27

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on JUN 16 2009

dated at West Palm Beach, Florida

By: [Signature]

Deputy Clerk

FLORIDA